

**6:30 P.M. - Informational Meeting:
Mayor Mazzarella – RE: 5 year
Capital Outlay Program**

**7:40 P.M. – Interview with
new Appointee**

CITY OF LEOMINSTER

CITY COUNCIL

FEBRUARY 26, 2007

**HEARING BEFORE THE CITY COUNCIL, 7:25 P.M.
(Continued from February 12, 2007)**

46-07 National Grid: Install one solely owned pole on Abbott Avenue beginning at a point approximately 20 feet north of the centerline of the intersection of Lindell Avenue. (Public Service)

HEARING BEFORE THE CITY COUNCIL, 7:30 P.M.

Relative to amending Chapter 12, Section 12-1 of the Revised Ordinances entitled “Conditions of issuance of permits and licenses” by adding provisions (f) thru (i) and also amending Section 12-2 entitled “Fees – Schedule” by adding provision 7(b)(1) regarding the issuance of a license to store chemicals in solid, liquid or gaseous form. (Petitions 79-05 and 80-05)

HEARING BEFORE THE CITY COUNCIL, 7:35 P.M.

Relative to amending Chapter 21, Section 21-11.1 of the Revised Ordinances entitled “Water User Rate Schedule” by deleting in its entirety and inserting in its place a new schedule effective January 1, 2007 increasing water rates for residential and industrial users within and outside the city. (Petition 36-07)

PUBLIC FORUM, 7:45 P.M.

REGULAR MEETING OF THE CITY COUNCIL, 8:00 P.M.

ROLL CALL

REGULAR MEETING OF THE CITY COUNCIL, continued**COMMUNICATIONS**

- C-90 Relative to the appropriation of \$26,500.00 to the Fire Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)
- C-91 Relative to the appropriation of \$4,700.00 to the City Clerk Expense Account; same to be transferred from the Election and Registration Expense Account. (Finance)
- C-92 Relative to the appropriation of \$11,000.00 to the Police Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account. (Finance)

PETITIONS

- 60-07 National Grid and Verizon New England, Inc.: Pleasant Street: Install one jointly owned pole on Pleasant Street beginning at a point approximately 84 feet west of the centerline of the intersection of Pond Street. (Public Service)
- 61-07 Claire Freda, on behalf of Kenneth Osborn, Jr.: Discontinue Cedar Road for 120 ft. behind the property owned by Kenneth Osborn, Jr. located at 30 Overlook Drive and further described in Book 2996 page 239 in the North Worcester County Registry of Deeds. (Public Service)
- 62-07 Paul W. Cote, Massachusetts Motorcycle Association: Request the City of Leominster allow the Massachusetts Motorcycle Association to erect and display a 2 ft. x 8 ft. "Check Twice – Save a Life, Motorcycles are Everywhere" signs at locations within the City of Leominster, as directed by its Public Safety/Traffic Official, at no cost to the City. (City Property)
- 63-07 Paul W. Cote, Massachusetts Motorcycle Association: Adopt a resolution stating that the City of Leominster joins with the Commonwealth of Massachusetts in its "Motorcycle Safety Awareness Period" March 24, 2007 through April 30, 2007, to help reduce motorcycle accidents and injuries. (Ways & Means)

02/26/07

MATTERS BEFORE THE CITY COUNCIL

APPOINTMENTS

Leominster Disability Commission – Kim McDonnell – term to expire April 15, 2009.

TEMPORARY APPOINTMENT

Leominster Police Department – Acting Sergeant, Scott Bernier

FINANCE

- C-79 Relative to the appropriation of \$325,000.00 to the Water Department Capital Outlay Expense Account; same to be transferred from the Sale of Real Estate Fund.
- C-82 Relative to the appropriation of \$8,900.00 to the Municipal Building Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-83 Relative to the appropriation of \$13,000.00 to the City Comptroller's Salary and Wages account; same to be transferred from the Excess and Deficiency Account.
- C-84 Relative to the appropriation of \$8,200.00 to the Forestry Department Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-85 Relative to the appropriation of \$80,000.00 to the Sanitation and Drainage Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-86 Relative to the appropriation of \$30,000.00 to the Veteran's Department Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-87 Relative to the appropriation of \$4,700.00 to the Police Salary and Wages Account; same to be transferred from the Collective Bargaining Expense Account.

MATTERS BEFORE THE CITY COUNCIL, continued

FINANCE AND LEGAL AFFAIRS

- 53-07 David Rowlands: Establish a Water Enterprise Account and a Sewer Enterprise Account, as authorized by MGL Ch. 44 53FI/2.

FINANCE AND CITY PROPERTY

- C-81 Mayor Dean J. Mazzarella: Request the authority to borrow, if necessary, up to \$534,200.00 for the purchase for open space and water supply protection purposes, 50+/- acres of land owned now or formerly by the Norman A. Nutting (Map 512, Lot 3 and Map 362, Lots 15 & 16) as shown on a plan of land to be recorded with the Worcester North Registry of Deeds; said property shall be dedicated in perpetuity to purposes stated in Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts including the protection of water resources and shall be fully protected by all provisions of Article 97. Furthermore, this property shall be open to the general public for appropriate outdoor/recreational use while consistent with 310 CMR 22.00; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow, up to \$534,200.00 the receipt of any state and charitable grants and donations associated with this project will be deposited into the appropriate account; and that the Mayor is authorized to take any other action necessary to carry out these projects.

PUBLIC SERVICE

- 46-07 National Grid: Install one solely owned pole on Abbott Avenue beginning at a point approximately 20 feet north of the centerline of the intersection of Lindell Avenue.
- 54-07 Patrick LaPointe, Department of Public Works: Request that the City Council accept engineering plans and specifications from Whitman & Bingham and funded by Gregg P. Lisciotti, to allow the city to solicit bids for the final paving, installation of granite curbing, concrete sidewalks and landscaping on Orchard Hill Park Drive. Funding for this project will be from a PWED Grant with the MA Highways Department in the amount of \$326,450.

02/26/07

MATTERS BEFORE THE CITY COUNCIL, continued**LEGAL AFFAIRS**

- 44-07 The Richmond Company: Grant a Special Permit to construct a new 15,000 square foot Walgreen's Pharmacy Store with drive-up window and associated site improvements at 35 Central Street, as shown on Assessors Map 15 as lots 9, 9A, 10, 10A, 11, 21, 22 and 25, located within a floodplain.
- 47-07 Joy Chiurri: Grant a Special Permit to allow construction of a residential dwelling at 5 Ruth Street, as shown on Assessors Map 441 as lot 61A; a special permit is required for a residential use in an Industrial Zone and will comply with Residential B Zoning Requirements. (A hearing is scheduled for March 12, 2007 at 7:00 P.M.)
- 48-07 James Whitney, on behalf of 557 Lancaster Street Realty Trust: Grant a Special Permit to use an existing building located at 557 Lancaster Street, located in an Industrial zone and shown on Assessor's Map 443 as lot A3, for a dog grooming business. (A hearing is scheduled for March 12, 2007 at 7:15 P.M.)
- 49-07 James Lanciani, Jr.: Accept Chapter 99 of the Acts of 2005, which amends MGL Chapter 149 by adding Section 33E, Live Organ Donation: Leaves of Absence without loss of pay.
- 55-07 John Souza, on behalf of the Planning Board: Change the Leominster Zoning Ordinance Section 22-26 "Table of Uses" under General Uses in the Amusement category from "N" under Industrial to "SPPB". (A hearing is scheduled for March 12, 2007 at 7:30 P.M.)
- 56-07 Robert Szymkowski: Grant a Special Permit to use an existing building at 539 Lancaster Street, located in an Industrial zone and shown on Assessor's Map 443A as Lot 4, for a retail showroom for Leominster Floor Covering. (A hearing is scheduled for March 26, 2007 at 7:00 P.M.)
- 57-07 Lucien DiStefano, Bohler Engineering, P.C., on behalf of Amerada Hess Corporation: Request License for the keeping, storing and sale of inflammable liquids at 680-706 Central Street. (A hearing is scheduled for March 26, 2007 at 7:15 P.M.)
- 58-07 Beth and Frank Novak and ten registered voters: Amend section 22-26, of the Leominster Zoning Ordinances entitled "Table of Uses" to allow Day Spas in a Residential B district, as a use allow by right. (A hearing is scheduled for March 26, 2007 at 7:30 P.M.)

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MATTERS BEFORE THE CITY COUNCIL, continued

LEGAL AFFAIRS AND WAYS & MEANS

- C-48 Dean J. Mazzearella, Mayor: Accept the Intermunicipal Agreement between the City of Leominster and the Town of Lancaster which outlines the terms and conditions of providing wastewater treatment services to the Town of Lancaster.

CITY PROPERTY

- 59-07 William C. (Bud) Taylor II: Request to rename Kingman Drive to “Brandon Martinez Memorial Boulevard” and place an appropriate marker on Leominster High School property to commemorate the life of the late student.

SMALL BUSINESS & ECONOMIC DEVELOPMENT

- C-88 Dean J. Mazzearella, Mayor and Scott Amos, Economic Development Coordinator: Request the approval of the following Economic Opportunity Areas under the Economic Development Incentive Program:

Whitney-Spruce Economic Opportunity Area
 Adams-Cotton Neighborhood Economic Opportunity Area
 Leominster I-190 Industrial Park Opportunity Area
 Orchard Hill Park Economic Opportunity Area
 Borden Chemical Property Economic Opportunity Area
 Nashua Street Economic Opportunity Area
 Industrial Road Economic Opportunity Area

WAYS & MEANS

- C-89 Dean J. Mazzearella, Mayor: Request that Jessica Ojala, employee of the Leominster School Department, be exempt from the provisions of M.G.L. Chapter 268A (20B) Conflict of Interest, as she will be performing the duties of Conservation Commission Secretary at the monthly meetings during evening hours.
- 5-07 David Rowlands: Request that all new appointments to Boards and Commissions shall be residence of the City of Leominster.

02/26/07

OLD BUSINESS

1st Reading Loan Order – that the sum \$534,200.00 be appropriated, if necessary, for the purchase for open space and water supply protection purposes, 50+/- acres of land owned now or formerly by the Norman A. Nutting (Map 512, Lot 3 and Map 362, Lots 15 & 16) as shown on a plan of land to be recorded with the Worcester North Registry of Deeds; said property shall be dedicated in perpetuity to purposes stated in Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts including the protection of water resources and shall be fully protected by all provisions of Article 97. Furthermore, this property shall be open to the general public for appropriate outdoor/recreational use while consistent with 310 CMR 22.00; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow, up to \$534,200.00 the receipt of any state and charitable grants and donations associated with this project will be deposited into the appropriate account; and that the Mayor is authorized to take any other action necessary to carry out these projects.

2nd Reading Ordinance – Amend Chapter 12, Section 12-1 of the Revised Ordinances entitled “Conditions of issuance of permits and licenses” by adding provisions (f) thru (i) and also amending Section 12-2 entitled “Fees – Schedule” by adding provision 7(b)(1) regarding the issuance of a license to store chemicals in solid, liquid or gaseous form. (Petitions 79-05 and 80-05)

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Report of President’s Drinking Water Oversight Committee

02/26/07

NEW BUSINESS

1st Reading Ordinance – Amend Chapter 13, Section 13-77 of the Revised Ordinances entitled “Stop Signs” by inserting “Manning Avenue, against northbound drivers at Mechanic Street.” (Petition #45-07)

1st Reading Ordinance – Amend Chapter 16, Section 16-2 of the Revised Ordinances entitled “Salary – City Council” by deleting the second and third sentences and inserting in its place “Such salary shall be increased to eight thousand five hundred dollars effective January 1, 2008, and shall be further increased to ten thousand dollars effective July 1, 2008. Effective January 1, 2009 and on an annual basis thereafter, a percentage increase of the City Councilor salary will be established consistent with the annual consumer price index (CPI-U) of the previous calendar year, with a minimum of no increase and a maximum increase of five per cent (5%). No member of the City Council shall receive any other compensation for any official duty in behalf of the city. (Petition #42-07)

Lynn A. Bouchard
City Clerk
February 22, 2007